


SUBJECT: VACATE THE PLATTED COMMON DRIVEWAY EASEMENT AT THE LOT LINE BETWEEN LOTS 1 & 2, QUICKSTAR, PLAT NO. 2003-10, LOCATED IN SECTION 21, TOWNSHIP 17 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 5: DAN MAYFIELD


AGENDA: APRIL 4, 2017

ASSEMBLY ACTION:

Approved Under Consent Agenda 4-4-17 

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>LD</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>Jam</i>	<i>3/24/17</i> 

ATTACHMENT(S) : Fiscal Note: Yes _____ No X

Minutes (2 pages)
 Notification of Action (4 pages)
 Vicinity Map (1 page)
 Subdivision Plat (1 page)

REASON FOR REQUEST: The request is to vacate the common driveway easement located at the common lot line of Lots 1 & 2, Quickstar, Plat #2003-10. The easement is no longer necessary or useable as a driveway due to construction of the Big Lake Roundabout. The petitioners granted a 50' wide right-of-way as a fourth leg of the roundabout and this provides access to the newly proposed lot configuration. The vacation of the common driveway easement also provides greater useable area for the owners of the affected lots.

SUMMARY STATEMENT: On March 16, 2017 (written decision March 22, 2017), the Platting Board approved the resubdivision of Lots 1 & 2, Quickstar, Plat 2003-10, and vacation of the platted Common Driveway Easement. The two lots previously shared access at the Fisher's "Y" intersection but direct lot access into a roundabout is prohibited by the state. As part of the Big Lake Intersections Improvement Project, alternate access was provided with driveway construction from a fourth leg off of the Big Lake Roundabout; that fourth leg being Diane Lane, a 50' wide right-of-way granted by the petitioners and will be dedicated on the final

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate the platted Common Driveway Access is consistent with MSB 43.15.035(B)(1)(a). The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation. The vacation of the Common Driveway Easement is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.035.

VOTE:

- The motion passed with all in favor. There are 10 findings.

TIME: 1:33 P.M.

CD: 0:29:37

B. QUICKSTAR RSB L/1 & 2

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 46 public hearing notices were mailed out on February 23, 2017, to this date there have been 1 return, no objections, no non-objection, and no concerns.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, # 2017-004/005.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Mike Butcher

- Believes that the right-of-way should be 60'.
- Does not agree with the right-of-way decision.

Tim McGhan

- Concerned about snow storage for the area.

Chair Jay Van Diest

- Closed the public hearing.

Diane Pankowski

- The initial proposed design of the round-about did not work.
- The action being taken will conform to the standards of the state and the borough.

Shiela Armstrong (MSB Capital Projects) and Mike Campfield (MSB Borough Engineer)

- Gave a brief explanation on why the borough facilitated this action.

MOTION for VARIANCE:

- Johnson moved to approve the variance to MSB 43.20.060, to allow for dedication of a 50' wide right-of-way for Quickstar RSB L/1 & 2. The motion was seconded.

DISCUSSION:

- Discussion on the variance.

Tracy McDaniel (MSB ROW Department)

- Explained the right-of-way process and the affect it will be to the property.

DISCUSSION:

- More discussion on Diane Lane and the Variance.

VOTE on VARIANCE:

- The motion passed with all in favor. There are 9 findings.

MOTION on PLAT & VACATION:

- Johnson moved to approve the preliminary plat and vacation of the Common Drive Shown on the Quickstar Plat #2003-10 for Quickstar RSB L/1 & 2. The motion was seconded.

VOTE on PLAT & VACATION:

- The motion passed with all in favor. There are 9 findings.

TIME: 2:38 P.M.

CD: 01:31:14

BREAK

TIME: 2:47 P.M.

CD: 01:31:25

C. US SURVEY 4587 SECTION LINE EASEMENT VACATION

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 8 public hearing notices were mailed out on February 23, 2017, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, # 2017-014.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Justin Wholey (Petitioner's Representative for AK DNR)

- Agrees with the recommendations.

MOTION:

- Rausa moved to approve the vacation of Section Line Easement within Lots 9 & 10, with replacement public access and utility easements as shown on the preliminary section line easement vacation plat for US Survey 4587. The motion was seconded.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

NOTIFICATION OF ACTION

March 22, 2017

James & Diane Pankowski
PO Box 520675
Big Lake, AK 99652

Case #: 2017-004/005

Case Name: QUICKSTAR RSB L/1 & 2

Action taken by the Platting Board on March 16, 2017 is as follows:

THE VARIANCE TO MSB 43.20.060, TO ALLOW FOR DEDICATION OF A 50' WIDE RIGHT-OF-WAY, THE PRELIMINARY PLAT, AND VACATION OF THE COMMON DRIVE SHOWN ON QUICKSTAR PLAT #2003-10 FOR QUICKSTAR RSB L/1 & 2 WAS APPROVED AND WILL EXPIRE ON MARCH 22, 2023 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Mr. Jay Van Diest
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

MSB CPD

Sheila Armstrong

350 E. Dahlia Ave.

Palmer, AK 99645

Stantec

2515 A Street

Anchorage, AK 99503

Additional Plat Reviews After 2nd Final are \$100.00 Each

Tim McGhan, PO Box 520356, Big Lake, AK 99652

Mike Butcher & Cindy Bettine, PO Box 520405, Big Lake, AK 99652

CONDITIONS of APPROVAL:

The Platting Board approved the Variance to MSB 43.20.060, to allow for dedication of a 50' wide right-of-way, the Preliminary Plat, and Vacation of the common drive shown on Quickstar plat #2003-10 for Quickstar RSB L/1 & 2, contingent upon the following:

1. Pay postage and advertising fees.
2. Show or list all easements of record as required in MSB 43.15.051(P).
3. Obtain the Borough Assembly approval of the ROW vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
4. Provide updated Certificate to Plat executed within 90 days prior to recording.
5. Provide beneficiary affidavits from holders of legal and equitable interest, if any, to be recorded with the final plat.
6. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
7. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
8. Submit final plat in full compliance with Title 43.

FINDINGS:

1. The plat of Quickstar L/1A & 2A and vacation of the "Common Drive" as shown on plat 2003-10 with a variance to MSB 43.20.060, is consistent with AS 29.40.070, *Platting Regulations* and MSB 43.15.016, *Preliminary Plat Submittal and Approval*.
2. A variance from MSB 43.20.060, *Dedication to Public*, was submitted and presented to the Platting Board to allow for dedication of a 50' wide right-of-way.
3. Mr. Campfield, P.E., stated the right-of-way is adequate for roadway and ditches. He stated no future widening of roadway or other need for right-of-way is expected due to the short length of the road and small number of properties served, and flat topography.

Criteria A: *The granting of the variance shall not be detrimental to the public health, safety or welfare, or injurious to adjacent property;*

Answer: The variance does not present any risks to public health, safety or welfare. The new road, now known as Diane Lane, is adequate for all facilities required for this type of roadway, which serves two lots and provides an additional egress route for the neighboring properties. The road connects to two other through streets, and the improvement of turning movements for emergency vehicles and maintenance equipment has been verified through the design process for the road by the engineer for the Big Lake Road Intersections Improvements Project (roundabout), Mr. John C. Burd, P.E., HDR Alaska.

Criteria B: *The conditions upon which the variance application is based do not apply generally to properties for which the variance is sought;*

Answer: The variance is being sought in order to accommodate access to these two properties as part of a road intersection improvement project. Prior to construction of the roundabout, the two properties shared access directly onto Northshore Drive at the Fisher's "Y" intersection, but this access was modified by the construction of the roundabout. Because of this unusual circumstance, and the fact that the state does not allow private driveway access directly into a roundabout, new access was required for both of these properties. Without this fourth leg of the roundabout, these two commercial properties would have had their access severely restricted, or blocked entirely. The property owners agreed to grant a 50-foot wide easement across their property as part of a fourth leg in the roundabout so that a new public road could be built with two new driveway access points from Diane lane and the project could go forward.

Criteria C: *Because of unusual physical surroundings, shape, or topographical conditions of the property for which the variance is sought, or because of the taking of a part of the property through condemnation or because of surrounding development or conditions, the strict application of MSB 43.20 shall result in undue substantial hardship to the owner of the property;*

Answer: The topography of this area is flat with less than a three-foot (3') change in elevation throughout the two subject parcels. Diane Lane, currently constructed within a 50-foot right of way easement, is consistent with the existing roads, which currently provide access to this area; both Arlene Lane and Francine Street are platted and constructed within 50-foot rights of way. There is no further subdivision expected of the two subject lots as the proposed plat creates Lots 1A and 2A as 47,919 and 44,905 square feet, respectively.

The 50-foot right of way easement for Diane Lane was granted by the property owners in order to provide similar access as existed in the before condition prior to the project. Because this easement was granted, damages are not a consideration for access to the properties in the after condition. The new right of way easement for Diane Lane provided the access needed in order to complete the construction of the roundabout project known as the Big Lake Road Intersections Improvements Project, which was funded as part of the voter and Assembly approved 2011 MSB Road Bonds.

4. A Petition to Vacate a ROW for the "common drive" which is no longer necessary for access as both new lots will access the new Diane Lane, was submitted and presented to the Platting Board. The vacation was correctly noticed to the public as required by MSB 43.10.065. Assembly approval of the vacation is required per MSB 43.15.035(E).
5. The 15' utility easement platted within Lot 1, Block 1, Rocky Big Lake, refiled Plat 79-455, was not eliminated and will need to be shown on the final plat or eliminated with a separate platting action.
6. There were no objections to the plat, variance or vacation from any borough department or utility company.

7. A civil engineer has provided a geotechnical report verifying useable septic and building area for the lots as designed.
8. The petitioners obtained final driveway permits for both Lot 1A & 2A onto Diane Lane.
9. Big Lake Community Council is concerned the 50' right-of-way will lead to flooding and notes that the borough is asking for a variance from its own policy. Staff notes the engineers on the project discussed the concerns with the Director of Public Works who stated the shortcomings would not be significantly improved or worsened by the proposed platting action. Staff also notes Title 43 allows for variance requests to be considered for all applicants.

NOTES:

1. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE INDIVIDUAL PARCEL OWNER TO OBTAIN A DETERMINATION WHETHER SUCH REQUIREMENTS APPLY TO THE DEVELOPMENT OF PARCELS SHOWN HEREON.
2. NO INDIVIDUAL WATER SUPPLY OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
3. DIRECT ACCESS TO W. BIG LAKE ROAD FROM LOT 2 IS HEREBY PROHIBITED.

LINE TABLE

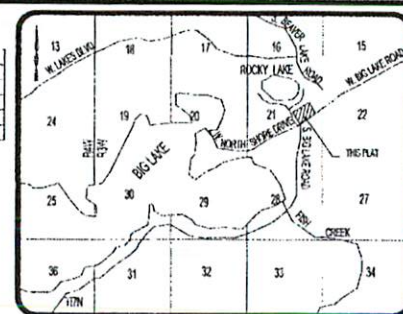
LINE	DISTANCE	BEARING	(M)
L-1	33.60'	N 80° 19' 00" E	(M)
L-1	33.92'	N 80° 32' 42" E	(M)
L-2	18.12'	S 88° 56' 34" E	(M)
L-3	42.36'	N 82° 00' 00" W	(M)
L-4	104.35'	S 00° 04' 50" E	(M)
L-4	104.39'	S 00° 03' 41" E	(M)
L-4	104.39'	S 00° 03' 41" E	(M)
L-4	104.00'	S 00° 01' 24" E	(M)
L-5	149.24'	N 80° 59' 12" E	(R-1)
L-5	167.30'	N 80° 58' 34" E	(R-1)
L-6	148.54'	N 80° 57' 38" E	(M)
L-8	147.44'	S 00° 01' 24" E	(M)

CURVE DATA

CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C-1	42.95'	200.00'	21.58'	12° 16' 00"	42.91'	N 5° 29' 00" W
C-1	42.95'	200.00'	21.58'	12° 00' 00"	42.22'	N 0° 29' 00" W
C-2	83.30'	150.00'	42.85'	31° 51' 00"	82.52'	S 18° 00' 29" E
C-2	189.45'	180.00'	94.87'	5° 59' 54"	189.32'	N 5° 19' 11" E
C-3	189.57'	180.00'	94.85'	6° 02' 00"	189.44'	N 5° 10' 11" E

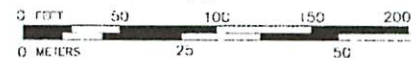
LEGEND

- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- FOUND 2 1/2" BRASS CAP MONUMENT
- SET 5/8" X 30" REBAR AND PLASTIC CAP MARKER LS-5122
- (R-1) RECORD INFORMATION PLAT #75-455
- (R-2) RECORD INFORMATION PLAT #75-440
- (P) PROPORTIONED
- (M) MEASURED



VICINITY MAP

SCALE
1"=50'



JOHN SHADRACH, P. L. S.
PROFESSIONAL LAND SURVEYOR

P. O. BOX 871497
WASILLA, AK 99687
907 376-2280

SURVEYORS CERTIFICATE

I, JOHN SHADRACH, PROFESSIONAL LAND SURVEYOR, REGISTRATION NO. LS-5122, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MEASUREMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



6/13/03
DATE

JOHN SHADRACH, PLS LS-5122

A PLAT OF QUICKSTAR

A REPLAT OF
LOT 1, BLOCK 1 ROCKY BIG LAKE SUBDIVISION, PLAT #75-455,
AND
TRACT A, FISHERS Y SUBDIVISION, PLAT #75-440
LOCATED WITHIN
NE 1/4, S 21, T 17N, R 30W, SEWARD MERIDIAN, ALASKA

CONTAINING 2.31 ACRES, MORE OR LESS

PALMER RECORDING DISTRICT
THIRD JUDICIAL DISTRICT, ALASKA

OWN BY: UNRECORDED PLATTING
DATE: FB 018
CHK BY: DRAWING SCALE
DATE: 1"=50'
SHEET
1 OF 1

PLAT APPROVAL

I CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSTINA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY PLAT RESOLUTION NUMBER 25, DATED 11/15/02, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, IN WHICH THIS PLAT IS LOCATED. # 2003-017-5416

2-25-03
DATE

PLANNING DIRECTOR

2-25-03
ATTEST

PLATTING CLERK

COVENANTS

RECORDED OCTOBER 2, 1991 AT PALMER RECORDING DISTRICT IN BOOK 362 PAGE 254.
RECORDED MARCH 14, 1991 AT PALMER RECORDING DISTRICT IN BOOK 362 PAGE 308.

CERTIFICATE OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSIGNMENTS THROUGH 12/31/02, AGAINST THE PROPERTY INCLUDED IN THE OR SUBDIVISION HEREON HAVE BEEN PAID.

UNIT: WORKBOOK TAX COLLECTION OFFICIAL

OWNERS CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KATIE CURRIER
P. O. BOX 520149
BIG LAKE, AK 99602

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SIGNED TO BEFORE ME THIS

DAY OF

FOR

NOTARY FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES

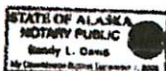


EXHIBIT G-3